

Updated List of LSC-eligible Immigrants

We Can Help:

- Citizens and those who are (1) present in the U.S. and (2) have an acceptable category of immigration. *See note below re: citizens by law*

Categories Of Immigrants We Can Help (Alphabetical):

- **Abuse – helping escape battery or extreme cruelty**, *regardless of their immigration status (can be undocumented), **but limited to** representation is related to preventing, or obtaining relief from, the abuse. ***This is not just domestic violence.*** (See 1626.1(f) of LSC regs.)*
- **Asylees** (granted)
 - Not eligible as applicant, except that applying for asylum is considered proof of petition to adjust status for eligibility based on marriage/parent/child status of US Citizen
- **Conditional entrants**
- **Cancellation of removal** under the Nicaraguan Adjustment and Central American Relief Act, or NACARA)
- **Conditional entrants**
- **Conditional residents** (based on marriage > 2 years, even if conditional visa has expired)
- **Deferral of removal**
- **Family Unity** (spouses and children of individuals who were granted amnesty through IRCA 1986)
- **Hague Convention/Civil Aspects of International Child Abduction** (for foreign nationals seeking protection/assistance through this convention)
- **International Child Abductees:** Indigent foreign nationals who seek assistance under the Hague Convention on the Civil Aspects of International Child Abduction

- **Lawful permanent residents (LPRs).** Also includes:
 - Immediate adjustments for children, spouse and parents of U.S. citizens; wait list for others (siblings, married U.S. children or children older than 21)
 - Individuals who have applied for adjustment to LPR status (status pending) who are the spouse, child or parent of U.S. citizen (if as a parent, the child must be under 21). (We cannot help those with an approved I-130 petition by an citizen who are *not* one of the listed relatives OR from an LPR – they must obtain their visa first.)
 - Expired LPR card, unless reason to believe there is a final order of deportation
- **"K" visa holders** (spouses of U.S. citizens and their children) living abroad and to fiancées of U.S. citizens who are coming to the United States to get married within 90 days of arrival
- **LIFE Act Family Unity** (to provide family members with adjustment for people legalizing under one of 3 lawsuits, *LULAC, Zambrano, or CSS.*)
- **Native Americans/Border tribe**
Canada border tribe memberB often no documentation of membership in Canadian tribe
Members of the Texas Band of Kickapoo
- **Refugees**
- **Registry** (continuous residence since 1/1/72)
- **Seasonal Agricultural Worker** program Lawful temporary residents (the SAW program, through IRCA 1986)
- **T visa holders (trafficking victims)** (and those who have applied for certification or appear to qualify for certification for T-visa), **but limited to** requesting an adjustment of status, and in obtaining work authorization.
- **Temporary agricultural workers** (H-2A workers), **but only** with respect to issues concerning their employment such as of wages, housing, transportation, and other employment rights provided in the H-2A contract
- **“Trust Territories” (former):** citizens of the Marshall Islands, Micronesia, Northern Marianas Islands and Palau
- **U.S. nationals** (with certification): Samoa, Palau, Mariana Islands, etc.

- **U visa** (Trafficking victims) holder and their children
- **V (Life Act) visa** holders, who have been in the U.S. 3 years and who are the spouse or child under 21 of an LPR. (This is a visa for those waiting more than three years for an immigrant visa based upon a LIFE Act visa.)
- **Withholding of deportation** (will have documentation granting status)
- **Withholding of removal**

A list of forms that document the above status categories can be found at: <http://www.lsc.gov/pdfs/1626CFR.PDF>. People should also check the update/corrections summarized on NILC's site: <http://www.nilc.org/immspbs/lsc/legalsvcs004.htm>.

Did you know?

Undocumented does not *always mean ineligible!* Just because you are undocumented does not mean per se that you are ineligible for services!

You can be a citizen *by law* (and not have documentation)

Children born abroad (outside of the U.S.) to a U.S. citizen parent are automatically citizens

An LPR child of a U.S. citizen. (By law, they are U.S. citizens – this would occur, for example of an LPR with children who naturalizes. The moment the person naturalizes, the children become citizens.)

Most **foreign-born children adopted by parents**, at least one of whom is a U.S. citizen

People eligible for service who have derivative applications (for example, they are minors of someone who has applied for adjustment of status) or other reason to not have documentation. You must interview to find out why they are claiming they have an immigration status.

“Mixed” Households: You can represent **citizen children of undocumented parents** if the representation is related to the citizen's rights and the undocumented family members don't directly benefit. (So, welfare is fine, but housing is not unless the children are on the lease or have some other specific right.) The key is whether you are representing an eligible person with a specific right – the residual benefit to the ineligible person does not render the case ineligible. If a child(ren), but not adult, is eligible, PIKA case should be opened

be in the name of the client (as always). So, the eligible child would be the main "name" on the case and the primary client. The notes should explain if there are other impacted children and that the contact is a parent. The parent's name should also be added to the case with phone number so it pops up on the left of the screen as "other" and the siblings who are impacted by the case as "clients".

What if the person is *ineligible*?

You are allowed to do intake and referral, but no more. If your office hands pro per packets out without advice as part of the regular intake/referral process, for example, this would be acceptable. You cannot provide individual advice or fill out the papers.

What if the immigration category of the potential client is not listed here?

- Check that they don't have a derivative status (see above)
- Check the [LSC regulations](#) (if it's not listed, you can't cover 'em).
- Generally temporary residents (visitors, student visas, for example) are not covered. (Temporary Agricultural Workers is the exception.)
- Check with your Managing Attorney